

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



REC'D 28 DEC 2005

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Applicant's or agent's file reference	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/KR2004/002132	International filing date(<i>day/month/year</i>) 25 AUGUST 2004 (25.08.2004)	Priority date (<i>day/month/year</i>) 25 AUGUST 2003 (25.08.2003)	
International Patent Classification (IPC) or national classification and IPC IPC7 H04B 1/38			
Applicant M2SYS CO., LTD et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
 - ☒ Box No. I Basis of the report
 - ☐ Box No. II Priority
 - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Box No. IV Lack of unity of invention
 - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Box No. VI Certain documents cited
 - ☐ Box No. VII Certain defects in the international application
 - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 23 MARCH 2005 (23.03.2005)	Date of completion of this report 12 DECEMBER 2005 (12.12.2005)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer BOK Jin Yo Telephone No. 82-42-481-5703 

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/002132

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☒ This report is based on translations from the original language into the following language English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☒ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
 pages _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- ☐ the claims:
 pages _____ as originally filed/furnished
 pages* _____ as amended (together with any statement) under Article 19
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- ☐ the drawings:
 pages _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- ☐ the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/002132

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-53	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-32,34-39,41-53	YES
	Claims	33,40	NO
Industrial applicability (IA)	Claims	1-53	YES
	Claims	NONE	NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents.

D1 : US 2001-36266 A(1.NOV.2001)

D2 : KR 2003-59277 A(25.JUN.2003)

1).Novelty(PCT Article 33(3)):

The present invention is considered to involve novelty.

2).Inventive Step(PCT Article 33(3)):

Claims 33,40 of the present invention lack an inventive step.

The claimed invention relates to a portable terminal having a sliding opening and closing device, which is characterized by comprising a main body; a sub-body to either position between said sub body being inputted into said main body and being outputted from said main body; and an elasticity part which supplies an elasticity power in a direction where said sub body is outputted from said main body or inputted into said main body.

On the other hand, D1 relates to a telephone apparatus, which comprises a body part and a sleeve-like grip part mounted to the body part for longitudinal slidable movement between a retracted position and an extended position.

D2 relates to a portable terminal having the rotating opening and closing display device.

(Next page : Supplemental Box)

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

(continuation of BOX V)

When comparing claim 33 of the present invention and D1, the technical structure of the present invention, which is about having a main body, a sub-body, a stoppering part and an elasticity part, can be easily invented by the application of D1 structure, which is about having a body part, a grip part, a torsion spring unit and a torsion arm unit.

When comparing the claims 40 of the present invention and D2, the technical structure of the present invention, which is about having a display device which is fixed to said rotating plate and rotates on said sub body, can be easily invented by the application of D2 structure, which is about having a LCD unit, a body case, a shaft unit, a guide unit and a display unit which is rotating on said LCD case.

Therefore, claim 33, 40 of the present invention can be easily invented by a person skilled in the art through D1, D2.

3).Industrial Applicability(PCT Article 33(4)):

The present invention is considered to be industrially applicable.